



Appeal Decision

Site visit made on 29 August 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2023

Appeal Ref: APP/Q1153/W/23/3318734

East Bowerland Farm, road To West Bowerland, Okehampton, Devon EX20 4LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by M Rouse against the decision of West Devon Borough Council.
 - The application Ref 4185/22/FUL, dated 28 November 2022, was refused by notice dated 6 February 2023.
 - The development proposed is erection of detached gym building.
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Decision

1. The appeal is allowed and planning permission is granted for erection of detached gym building at East Bowerland Farm, Okehampton, Devon EX20 4LZ in accordance with the terms of the application, Ref 4185/22/FUL, dated 28 November 2022, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is whether the site is a suitable location for the development having regard to the provisions of local and national policy and the accessibility of services and facilities.

Reasons

3. The appeal site is in a countryside location, a short distance from surrounding settlements and the strategic highway network. It is not isolated. It comprises a small area of grassed and partly despoiled land immediately adjacent to a large, in-use agricultural building. The small-scale proposed building would be close to a hydrotherapy pool and within the spacious surrounding environs of an existing commercial dog training facility and holiday cottages, where I observed there to be occupied buildings, numerous staff and a hive of customer activity. Whilst my observations only represent a snapshot in time, recognising there may be less busy periods, and fewer than 40 staff, the immediate surrounding commercial activity was nevertheless reflective of a well-established business operation.
4. Policy TTV1 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (JLP) sets out the settlement hierarchy which is to focus new employment and housing on the main towns which provide a broad range of services. Beyond the towns and villages, economic development is only permitted where it would support the principles of sustainable development set out in policies SPT1, SPT2 and TTV26 of the JLP. Amongst other things, these policies encourage and support opportunities for appropriate levels of employment uses, access to sports facilities, a healthy environment and business growth.

5. Additionally, Policy TTV26 says that development proposals should, where appropriate be complimentary to existing viable uses. Paragraph 84 of the National Planning Policy Framework (the Framework) says, amongst other things, that decisions should enable the sustainable growth and expansion of all types of businesses in rural areas, through well designed new buildings. The policies also support proposals that have reasonable access to a vibrant mixed-use centre, and that are well served by public transport.
6. Even if the development were to be used by holiday makers and non-employees, it would be of a very small scale and consequently, likely to be able to accommodate limited numbers of people at any one time. This would be commensurate with the scale of the surrounding commercial activities. Also, the development would be intrinsically linked to the immediate surrounding commercial/holiday activities and for these reasons it would therefore be more likely to be used by those groups of people. As such, it is reasonable to assume that the development would primarily serve the immediate surrounding commercial uses, and therefore it would not need to be restricted to any particular group through an appropriately worded planning condition. Consequently, although limited, the health benefits to employees or others through the provision of a sports facility would represent a small-scale expansion of rural businesses which responds to an occupational need in this countryside location.
7. The development would not be well served by public transport which would weigh against it. However, it would serve and compliment a range of existing viable commercial uses by allowing employees or holiday makers to access an additional facility without the need to travel. Whilst the benefits of clean air and daylight gained through outdoor recreation are recognised, these could still be enjoyed regardless of the outcome of this appeal. Additionally, the development would provide an alternative year-round sport and recreation facility during times of inclement weather. Furthermore, the officer report highlights that it is not anticipated that the development would generate additional traffic, which I have no reason to disagree with. For the above reasons, even with additional users, the development would be unlikely to generate harmful additional vehicular movements, and I give the lack of access to public transport very limited weight.
8. Therefore, I conclude on the main issue that the site is a suitable location for the proposed development having regard to the provisions of local and national policy and the accessibility of services and facilities. As such, the development would not conflict with policies SPT1, SPT2, TTV1 or TTV26 of the JLP. There would also be no conflict with paragraph 84 of the Framework.

Other Matters

9. I have taken into account the Council's comments and representations in respect of the planning history and potential future development/ownership, though these matters do not affect my findings on the main issue above. Furthermore, I have dealt with the appeal on its merits based on the evidence before me and my own observations.
10. Due to the nature of the development and distance from residential accommodation, it would not be necessary to restrict operational hours.

Conditions

11. I have made some amendments and omissions to the Council's suggested conditions in the interests of clarity and to ensure compliance with the Planning Practice Guidance and the Framework.
12. In the interests of clarity, standard conditions requiring the development to be carried out in accordance with the plans and within a time limit have been imposed. A contamination condition is required to deal with unexpected contamination. In the interests of drainage, I have imposed a surface water drainage condition to be secured prior to commencement. The installation of solar panels is necessary in the interests of climate change.
13. I have not imposed the Council's suggested landscaping or materials details conditions as the development would be of a small scale, set into the slope and immediately adjoining a larger building of similar design and use of materials which are shown on the plans. I have also not imposed the suggested boundary treatment condition as the plans show an acceptable site layout. The suggested outbuilding use restriction condition is not sufficiently precise and is therefore not included.
14. There is no evidence that any external lighting at the site would harmfully affect the character and appearance of the area. Furthermore, at my visit I noted a flood light on the adjacent agricultural building. I have therefore not imposed this suggested condition.
15. For the reasons set out in the main decision I do not find that a restriction on the use of the building is necessary.

Conclusion

16. For the reasons given I conclude that the appeal should succeed.

J Hills

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Local Plan; Dwg Exe/1; Dwg Exe/2; Dwg Exe/3; Dwg Exe/4; Dwg Exe/5; Dwg Exe/6.
3. Prior to the commencement of development, details of the surface water design including percolation test results and supporting calculations shall be submitted to and approved in writing by the local planning authority. Details of maintenance and management responsibility for the drainage system must be submitted to and approved in writing by the local planning authority prior to commencement on site. Such approved drainage details shall be completed and become fully operational before the development first brought into use. Following its installation the approved scheme shall be permanently retained and maintained as such thereafter. Surface water drainage systems design and installation shall have regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version).
4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.
5. The solar PV panels as shown on the plans hereby approved shall be installed and in operation prior to the completion of the building hereby approved and maintained for the lifetime of the development.